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APPLICATION NUMBER	FILING OR 37(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/667,151	09/18/2003	Sheng-Ping Zhong	03-151US1

CONFIRMATION NO. 8726
ABANDONMENT/TERMINATION
LETTER

27774
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

BEST AVAILABLE COPY

10/16/2006 MTEKLENI 00000009 501047 10667151

01 FC:1202 7000.00 DA

Date Mailed: 04/12/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/12/2003.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (e) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(f); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/81.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

Adjustment date: 11/13/2006 SDIRETA1
10/16/2006 MTEKLENI 00000009 501047 10667151
01 FC:1202 7000.00 DA

5522-818-806: Fax: 908-518-2755 PC WILLIAMS PC

11/13/2006 SDIRETA1 00000001 501047 10667151

01 FC:1202 2520.00 DA

PATENT & TRADEMARK OFFICE
I hereby certify that this correspondence is being deposited on October 31, 2006 [with] the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 in an envelope addressed to: Mail Stop 16, Director of US Patent & Trademark Office, P.O. Box -3 PH 3: 57 1450, Alexandria, VA 22313-1450.

Date 10/31/06

Signature: Joanne Ryan
Joanne Ryan

US PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Deposit Account # 50-1047
Mayer & Williams PC

REQUEST FOR REFUND

Mayer & Williams requests a refund of \$4480 based on the following charges listed on the October 2006 Deposit Account Statement, copy enclosed:

DATE	SEQ	POSTING	ATTORNEY	FEE CODE	AMT
		REF TXT	DOCKET NBR		
10/16	24	10667151	03-151US1	1202	7000.00

The above-referenced charge for additional claims fees was made after the issuance of Decision on Petition, mailed October 2, 2006 (copy enclosed). The Decision states that the petitioner's arguments and evidence were found persuasive. Quoting the Decision, "A review of the response filed March 15, 2004 confirms that it included the authorization to charge any required fees to the Deposit Account. In fact it appears that all fees were charged except the additional claims fees. There is no

Page 2, Request for Refund

evidence in the record that at the time the Deposit Account was insufficient to cover payment of all of the fees." It is appropriate that after the issuance of the Decision the additional claims fees not previously charged would now be charged to petitioner's Deposit Account. However, the additional claims fees were charged at the current rate, i.e., 140 additional claims @ \$50 per claim, with a deduction from the account of \$7000. The additional claims fees should have been charged at the rate in effect when the Response to the Missing Parts Notice was filed, March 15, 2004, i.e., 140 additional claims @ \$18 per claim, for a cost of \$2520, as is stated in the Petition filed June 12, 2006 (copy enclosed).

Accordingly, applicant's attorney respectfully requests a refund of \$4480, being the difference between the additional claims fees charged at the current rate, \$7000, and the additional claims fees charged at the appropriate rate in effect in March 2004, \$2520.

Applicant's attorney respectfully requests a refund of \$4480 to the above-referenced Deposit Account No. 50-1047.

Respectfully submitted,



David B. Bonham Reg. No. 34,297
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Date: October 30, 2006

Tel.: 703-433-0510
Fax: 703-433-2362

10/12 127	11544836	GS210	1011	\$300.00	\$10,608.00
10/12 128	11544836	GS210	1111	\$500.00	\$10,108.00
10/12 129	11544836	GS210	1311	\$200.00	\$9,908.00
10/12 130	11544837	9000/1 CI	1011	\$300.00	\$9,608.00
10/12 132	11544837	9000/1 CI	1311	\$200.00	\$9,408.00
10/12 133	11544837	9000/1 CI	1202	\$350.00	\$9,058.00
10/12 131	11544837	9000/1 CI	1111	\$500.00	\$8,558.00
10/12 50	E-REPLENISHMENT		9203	-\$5,000.00	\$13,558.00
10/12 277	11545439	05-00159	1011	\$300.00	\$13,258.00
10/12 278	11545439	05-00159	1111	\$500.00	\$12,758.00
10/12 279	11545439	05-00159	1311	\$200.00	\$12,558.00
10/12 280	11545439	05-00159	1202	\$500.00	\$12,058.00
10/12 14	10785394	137001	2252	\$225.00	\$11,833.00
10/13 47	11491549	2011/1	2011	\$150.00	\$11,683.00
10/13 52	11491549	2011/1	2202	\$1,100.00	\$10,583.00
10/13 51	11491549	2011/1	2201	\$300.00	\$10,283.00
10/13 48	11491549	2011/1	2111	\$250.00	\$10,033.00
10/13 50	11491549	2011/1	2051	\$65.00	\$9,968.00
10/13 49	11491549	2011/1	2311	\$100.00	\$9,868.00
10/13 70	10981098	02-204US02	1251	\$120.00	\$9,748.00
10/13 116	78683133	INNERCOOL 2005	6402	\$300.00	\$9,448.00
10/16 238	60840545	2023/2	8021	\$40.00	\$9,408.00
10/16 62	11545439	05-00159	8021	\$40.00	\$9,368.00
10/16 24	10667151	03-151US1	1202	\$7,000.00	\$2,368.00
10/17 36	E-REPLENISHMENT		9203	-\$10,000.00	\$12,368.00
10/17 109	10470068	MED/US/0312	8021	\$40.00	\$12,328.00
10/17 95	11544836	GS210	8021	\$40.00	\$12,288.00
10/18 201	10678035		8021	\$40.00	\$12,248.00
10/18 4	11076794	00300-012003	1811	\$100.00	\$12,148.00
10/18 28	60851950	00300/017001	2005	\$100.00	\$12,048.00
10/19 336	11581933	00140/004002	2011	\$150.00	\$11,898.00
10/19 337	11581933	00140/004002	2111	\$250.00	\$11,648.00
10/19 338	11581933	00140/004002	2311	\$100.00	\$11,548.00
10/19 339	11581933	00140/004002	2202	\$25.00	\$11,523.00
10/19 340	11581933	00140/004002	2203	\$180.00	\$11,343.00
10/19 20	60852246	00300/017002	2005	\$100.00	\$11,243.00
10/20 177	11582699	GS213	1011	\$300.00	\$10,943.00
10/20 178	11582699	GS213	1111	\$500.00	\$10,443.00
10/20 179	11582699	GS213	1311	\$200.00	\$10,243.00
10/20 180	11582698	50W8525.01	1011	\$300.00	\$9,943.00
10/20 183	11582698	50W8525.01	1202	\$400.00	\$9,543.00
10/20 181	11582698	50W8525.01	1111	\$500.00	\$9,043.00
10/20 182	11582698	50W8525.01	1311	\$200.00	\$8,843.00
10/23 5	10310674	00140/004001	1253	\$510.00	\$8,333.00
10/23 44	29267653	GS 223	1012	\$200.00	\$8,133.00
10/23 45	29267653	GS 223	1112	\$100.00	\$8,033.00
10/23 46	29267653	GS 223	1312	\$130.00	\$7,903.00
10/23 193	10767782	135001	8007	\$20.00	\$7,883.00

10/23 73	E-REPLENISHMENT		9203	-\$5,000.00	\$12,883.00
10/23 208	11582699	GS213	8021	\$40.00	\$12,843.00
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10/24 2	10714070	010007	2253	\$510.00	\$12,293.00
10/24 3	10714070	010007	2401	\$250.00	\$12,043.00
10/25 389	77028214	2051/122	7001	\$1,300.00	\$10,743.00
10/25 43	29267653	GS 223	8021	\$40.00	\$10,703.00
10/26 53	11585469	GS211	1011	\$300.00	\$10,403.00
10/26 54	11585469	GS211	1111	\$500.00	\$9,903.00
10/26 55	11585469	GS211	1311	\$200.00	\$9,703.00
10/26 130	11585484	00140/009002	2011	\$150.00	\$9,553.00
10/26 132	11585484	00140/009002	2311	\$100.00	\$9,453.00
10/26 131	11585484	00140/009002	2111	\$250.00	\$9,203.00
10/26 55	10965967	00-0238US02	1801	\$790.00	\$8,413.00
10/26 56	10965967	00-0238US02	1252	\$450.00	\$7,963.00
10/26 57	10965967	00-0238US02	1202	\$400.00	\$7,563.00
10/26 5	7051170		1811	\$100.00	\$7,463.00

START
BALANCE
\$8,460.00

SUM OF
CHARGES
\$35,997.00

SUM OF END
REPLENISH BALANCE
\$35,000.00 \$7,463.00

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Deposit Account Statement

Requested Statement Month: October 2006
 Deposit Account Number: 501047
 Name: MAYER & WILLIAMS PC.
 Attention:
 Address: 251 NORTH AVENUE WEST, 2ND FLOOR
 City: WESTFIELD
 State: NJ
 Zip: 07090
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/02	1	10688224	10177-151-999	1801	\$790.00	\$7,670.00
10/02	55	E-REPLENISHMENT		9203	-\$5,000.00	\$12,670.00
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10/02	2	10377131	01-551US2	1201	\$1,600.00	\$10,820.00
10/02	34	PCT/US06/36245	05-0026PCT	1703	\$12.00	\$10,808.00
10/03	1	11070925	64897-010510	2253	\$510.00	\$10,298.00
10/03	125	10757708	PP-19768.002	1251	\$120.00	\$10,178.00
10/03	1	10830950	02-440	1202	\$400.00	\$9,778.00
10/04	35	10798230	00118/005001	2814	\$65.00	\$9,713.00
10/04	1	10945018	GS 175 D2	1202	\$50.00	\$9,663.00
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10/05	20	E-REPLENISHMENT		9203	-\$5,000.00	\$14,213.00
10/05	1	10424621	BSC-270	1801	\$790.00	\$13,423.00
10/05	252	09935442	00-0118	8021	\$40.00	\$13,383.00
10/05	251	11542420	GS207	1011	\$300.00	\$13,083.00
10/05	252	11542420	GS207	1111	\$500.00	\$12,583.00
10/05	253	11542420	GS207	1311	\$200.00	\$12,383.00
10/10	3	10608978	103002	2253	\$510.00	\$11,873.00
10/10	389	PCT/US06/38405	05-0035PCT	1601	\$300.00	\$11,573.00
10/10	390	PCT/US06/38405	05-0035PCT	1704	\$2,059.00	\$9,514.00
10/10	391	PCT/US06/38405	05-0035PCT	1702	\$1,086.00	\$8,428.00
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10/10	100	11542420	GS207	8021	\$40.00	\$8,368.00
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10/11	54	10382552	02-412	1251	\$120.00	\$13,248.00
10/11	98	09914279	PP01573.101	1255	\$2,160.00	\$11,088.00
10/11	91	10377131	01-551US2	1806	\$180.00	\$10,908.00

4010/40



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Paper No.

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

COPY MAILED

OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of :
Zhong et al. : DECISION ON PETITION
Application No. 10/667,151 :
Filed: September 18, 2003 :
Attorney Docket No. 03-151US1 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a) AND STATEMENT ACCOMPANYING
PETITION" filed June 12, 2006.

The above-identified application became abandoned for failure to
file a timely and proper reply to the Notice to File Missing
Parts of Application mailed December 12, 2003. The Notice set a
two-month time limit for applicants to file an executed oath or
declaration, and submit payment of the filing fee, additional
claim fees and the late surcharge. Extensions of time were
permitted under § 1.136(a).

On March 15, 2004, applicants filed a response, made timely by
an accompanying petition for extension of time with the first
month (and extension fee). However, on April 2, 2004, the
Office mailed a Notice of Incomplete Reply, stating that
applicants had not submitted sufficient fee payment. The Notice
further stated that the period continued to run from that set in
the Notice mailed December 12, 2003. No further reply received
and no further extension obtained, the above-identified
application became abandoned on March 13, 2004. A Notice of
Abandonment was mailed on April 12, 2006.

In response, petitioner timely filed the instant petition.
Petitioner states that the response filed March 15, 2004 was
complete. Specifically, petitioner indicates that it included
an authorization to charge any required fees to a Deposit
Account and that during the relevant period the Deposit Account
had more than sufficient funds to pay the fees. Further,

petitioner states that the Notice of Incomplete Application was never received.

Petitioner's arguments and evidence have been considered and found persuasive. A review of the response filed March 15, 2004, confirms that it included the authorization to charge any required fees to the Deposit Account. In fact, it appears that all fees were charged except the additional claim fees. There is no evidence in the record that at the time the Deposit Account was insufficient to cover payment of all of the fees. Thus, the evidence supports a conclusion that the response filed March 15, 2004 was complete.

Moreover, the petition includes a showing to the satisfaction of the Director that the Notice of Incomplete Reply was not received. The practitioner attests to not receiving the Office action. The petition includes a statement from patent paralegal Marjorie Scariati that a search of the file jacket and docket records indicates that the Notice was not received. In addition, a copy of the docket record where the non-received Notice would have been entered had it been received and docketed is enclosed.

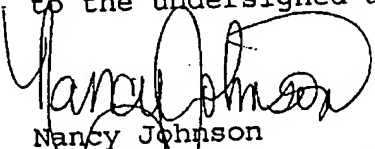
In view thereof, the Notice of Abandonment mailed April 12, 2006 is VACATED and the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application file is, thereby, forwarded to OIPE to withdraw the holding of abandonment and to complete pre-examination processing including charging any outstanding claim fees pursuant to the authorization timely filed March 15, 2004.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Serial No.: 10/667,151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sheng-Ping Zhong et al.

Serial No.: 10/667,151

Filed: 09/18/2003

Title: INJECTABLE THERAPEUTIC FORMULATIONS

Art Unit: 1642

Examiner: Unassigned

Confirm. No.: 8726

Docket No.: 03-151US1

Via Facsimile: 571-273-8300
Attn: Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)
AND STATEMENT ACCOMPANYING PETITION

Sir:

This Petition to Withdraw Holding of Abandonment is filed in response to the Notice of Abandonment mailed April 12, 2006.

The Notice of Abandonment indicates that no reply to the Notice to File Missing Parts mailed December 12, 2003 was filed. However, the applicant did timely file a response via first class mail on March 12, 2004, true copy enclosed.

Per the requirements of the Notice of Abandonment, receipt of the Response to Notice to File Missing Parts by the USPTO is confirmed by the enclosed copy of the itemized date-stamped postcard, which includes a Patent and Trademark Office Date Stamp of March 15, 2004. In the response, the Commissioner was authorized to charge all required fees to the undersigned attorney's PTO Deposit Account. Per the enclosed copy of the undersigned attorney's PTO

Deposit Account statement of March 2004, page 2 of 4, all fees believed to be due were charged to Deposit Account 50-1047 on March 17, 2004. Authorization to charge any deficiencies was provided in the Response, and there were ample funds in the account to cover any additional fees due.

In reviewing the status of the application on June 8, 2006, the undersigned attorney's legal assistant, Marjorie Scariati, noted that a Notice of Incomplete Reply was apparently mailed on April 2, 2004, requiring the payment of additional claims fees in the amount of \$2,520, due to the existence of multiple dependent claims. The Notice of Incomplete Reply was never received in the undersigned attorney's office.

Enclosed please find a statement signed by Ms. Scariati, in which she states that the Notice of Incomplete Reply was not received, and attests to the fact that a search of the file jacket and docket records indicates that the Notice of Incomplete Reply was not received. A copy of the docket record where the non-received Notice would have been entered had it been received and docketed is enclosed as well.

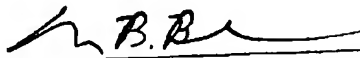
In view of the above circumstances, Applicant hereby petitions the Commissioner to grant this Petition to Withdraw Holding of Abandonment and to charge the payment of additional claims fees in the amount of \$2,520. The additional claims fees should be billed at the original amount of \$2520, and should not be calculated based on the current fee structure, because these fees should simply have been charged to our deposit account in 2004 when due, as we had provided authorization to do so, and as we had sufficient funds in the account.

In the alternative, the Commissioner may wish to mail a new Notice to File Missing Parts. (In this regard, the period for reply to the Notice of Incomplete Reply ran from the mailing date of the Notice to File Missing Parts. However, the period for response to the Notice to File Missing Parts has passed. Thus, issuing a new Notice of Incomplete Reply running from the mailing date of the earlier Notice to File Missing Parts would be pointless.)

While it is not believed that any fees are due as a result of this Petition to Withdraw Holding of Abandonment, the Commissioner is hereby authorized to charge any fees that may be due to the undersigned attorney's PTO Deposit Account #50-1047.

Serial No.: 10/667,151

Respectfully submitted,


David B. Bonham Reg. No. 34,297

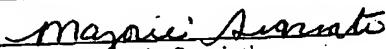
Attorney for Applicant
Mayer & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Tel.: 703-433-0510
Fax: 703-433-2362

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document, and any document
referenced herein, has been transmitted via facsimile to
the US Patent and Trademark Office, Office of Initial
Patent Examination at (571) 273-8300 on

6/12/06


Majorie Scariati

251 North Avenue West, 2nd Floor
Westfield, New Jersey 07090
Tel.: (908) 518-7700
Fax: (908) 518-7795

Mayer & Williams PC
Intellectual Property Law

Fax

To: Office of Initial Patent Examination **From:** Marjorie Scariati

Fax: 571-273-8300 **Pages:** 10

Phone: **Date:** 06/12/2006

Re: 10/667,151 **CC:**

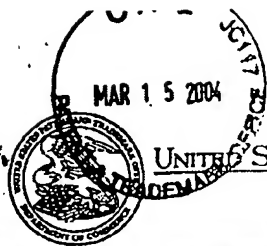
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If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.

Please see the attached Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) and Statement Accompanying Petition, including copy of the Notice of Abandonment, date-stamped itemized postcard, copy of Deposit Account statement of March 2004 (page 2 of 4), Statement of Marjorie Scariati, and copy of docket record



UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/667,151	09/18/2003	Sheng-Ping Zhong	03-151US1

CONFIRMATION NO. 8726

27774
 MAYER, FORTKORT & WILLIAMS, PC
 251 NORTH AVENUE WEST
 2ND FLOOR
 WESTFIELD, NJ 07090

FORMALITIES LETTER



OC000000011482724

Date Mailed: 12/12/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/17/2004 LWXDIN1 00000037 501047 10667151

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 DA
 02 FC:1051 130.00 DA
 03 FC:1202 342.00 DA
 04 FC:1203 290.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of ~~\$3152~~ ¹⁶⁴² as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. *pto error*

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is ~~\$4052~~ ¹⁶⁴² for a Large Entity *pto error*

- \$770 Statutory basic filing fee.

11/13/2006 SDIRETA1 00000001 10667151

01 FC:1202 2520.00 DA